

TEMPORARY

No. 71709-T

TEMPORARY

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office SEP 20 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed SEP 30 2004

The applicant **Frehner Construction Co., Inc. & Southern Nevada Paving, Inc.** hereby make application for permission to change the **point of diversion of a portion** of water heretofore appropriated under **Decree issued by the Eighth Judicial District Court of the State of Nevada to the waters of the Las Vegas Artesian basin on December 13, 1999 regarding V05814**

1. The source of water is **Underground**
2. The amount of water to be changed **40.0 acre-feet**
3. The water to be used for **Mining & Milling (as decreed)**
4. The water heretofore permitted for **Mining & Milling (as decreed)**
5. The water is to be diverted at the following point **SE¼ SE¼ Sec. 13 T23S R60E MDM Clark County Nevada, or at a point from which the SE corner of said section 13, T23S R60E, MDM bears S 3°16'35" East a distance of 933.29 feet.**
6. The existing permitted point of diversion is located within **SW¼ SE¼ Sec. 13 T23S R60E, MDM Clark County Nevada, or at a point from which the SW corner of said section 13, T23S R60E, MDB&M bears S68°53'16" West a distance of 3,110.20 feet.**
7. Proposed place of use see exhibit "B" attached to application #70625T.
8. Existing place of use see exhibit "B" attached to application # 70625T, the existing & proposed place of use are one & the same as shown on map V05814
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **drilled & cased well aprox. 850' deep, shaft driven turbine pump w/125hp electric motor, underground pipes.**
12. Estimated cost of works **\$200,000⁰⁰**
13. Estimated time required to construct works **4 years**
14. Estimated time required to complete the application of water to beneficial use **This application is being submitted to secure a permit for the drilling of a test well to replace the existing well as described in item #6. At this time the water table has been lowered to the point that the existing well is now dry.**
15. Remarks:

By **s/Philip Nelson**
3920 West Hacienda Ave.
Las Vegas, NV 89118-1781

Compared sg/ sc ag/ sam

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit V05814 is issued subject to the terms and conditions imposed in said Permit V05814 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands. The total combined duty of water under Permits 67692, 68459, 68624, 69303, 70404, 70626 and Temporary Permit 71709-T shall not exceed 546.79 acre-feet annually.

Monthly records shall be kept of the amount of water pumped from this well and other wells within the place of use of this permit. Records shall be submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter. Separate reports shall be made for water pumped under permits and vested rights, and for water pumped under other authorization such as waivers. The monthly record shall identify water right permits and waivers from each well, and include the size, make, serial number and meter location associated with a well.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(CONTINUED ON PAGE 3)

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **October 17, 2005** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.058 cubic feet per second, **but not to exceed 40 acre-feet annually.**

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed on or before:

Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

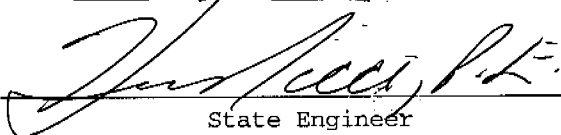
Map in support of proof of beneficial use shall be filed on or before:

TEMPORARY

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this **18th** day of **October**, A.D. **2004**


State Engineer

EXPIRED
DATE **OCT 17 2005**